

### REMARKS

The Office Action mailed September 6, 2007 has been received and carefully noted. Claims 1-25 are currently pending in the subject application and are presently under consideration.

Claims 1, 5, 8, 11, 14, 15, 20, and 25 have been amended herein. Support for the amendments can be found in at least paragraph 0016 and Figure 8 of the Specification. Accordingly, no new matter has been introduced into the claim amendments. A listing of claims can be found on pages 2-6 of this Reply.

Favorable reconsideration of the pending claims is respectfully requested in view of the following amendments and comments.

#### **I. Rejection of Claims 8-10 Under 35 U.S.C. § 102(b)**

Claims 8-10 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Blatter *et al.* (US 5,878,135). It is requested that these rejections be withdrawn for at least the following reason. Blatter *et al.* does not describe each and every element of the claims.

For a prior art reference to anticipate, 35 U.S.C. §102 requires that **“each and every element** as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.”

*In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950 (Fed. Cir. 1999) (*quoting Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)) (emphasis added). In particular, amended independent claim 8 recites: “the key information being separate from a synchronization point and a payload of the data stream.” Blatter *et al.* fails to describe this aspect.

Blatter *et al.* discloses a system wherein non-compliant data is conveyed **within** MPEG compatible adaptation fields of a packet header (*See* Blatter *et al.* at col. 10, ll. 19-31). The Examiner stated that a synchronization point is equivalent to a packet header and placing non-compliant data separate from the synchronization point is equivalent to placing non-compliant data separate from the packet header (*See* Office Action mailed September 6, 2007 at pg. 4). However, Blatter *et al.* does not describe a system in which non-compliant data is “separate from a synchronization point and a payload of the data stream.”

Claims 9 and 10 depend from independent claim 8 and thus incorporate the limitations thereof. For at least the reasons above regarding independent claim 8, Blatter *et al.* does not expressly or inherently describe each and every element of claims 9 and 10. Accordingly, it is respectfully requested that these rejections be withdrawn.

## **II. Rejection of Claims 20, 24, and 25 Under 35 U.S.C. § 102(b)**

Claims 20, 24, and 25 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Gray *et al.* (US 5,706,348). It is requested that these rejections be withdrawn for at least the following reason. Gray *et al.* does not describe each and every element of the claims.

In particular, amended independent claims 20 and 25 recite: “key information separate from and associated with the header for use in decryption, and a payload associated with the header and separate from the key information.” Gray *et al.* fails to expressly or inherently describe this aspect.

Gray *et al.* describes a “marker packet” that is different from a “normal packet.” The “marker packet” is transmitted in addition to “normal packets” and contains a new encryption key, but is encrypted by the old encryption key (See Gray *et al.* at col. 5, ll. 14-54). As shown in Figure 6 and col. 5, ll. 39-54 of Gray *et al.*, the information containing the current key and the new key is separate from the header field, **but contained within the remaining data field** of the subsequent cells of the marker packet, which also contain a “random seed” to fill the space and a cyclical redundancy check bit to identify that the packet is a “marker packet” and not a “normal packet.” Thus, the cited reference fails to describe “key information separate from and associated with the header for use in decryption, and a *payload* associated with the header and *separate from the key information*” (emphasis added). Rather, the key information of Gray *et al.* is contained within the payload of the marker packet and thus not separate.

Claim 24 depends from independent claim 20 and thus incorporates the limitations thereof. For at least the reasons above regarding independent claim 20, Gray *et al.* does not expressly or inherently describe each and every element of claim 24. Therefore, it is respectfully requested that these rejections be withdrawn.

### III. Rejection of Claims 1-7 and 11-19 Under 35 U.S.C. § 103(a)

Claims 1-7 and 11-19 stand rejected under 35 U.S.C. § 103(a) as being obvious over Blatter *et al.*, in view of Gray *et al.* The Applicants respectfully request that these rejections be withdrawn for at least the following reason. Blatter *et al.* and Gray *et al.*, alone or in combination, do not teach or suggest all the claim limitations.

To establish *prima facie* obviousness of a claimed invention, ***all the claim limitations*** must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).

(See MPEP § 2143.03) (emphasis added) In particular, amended independent claim 1 (and similarly amended independent claims 5, 11, and 14) recites: "placing non-compliant data ***separate from*** the synchronization point and ***a payload*** in the data stream" (emphasis added). Blatter *et al.* and Gray *et al.*, alone or in combination, fail to teach or suggest this aspect.

As explained above, Blatter *et al.* describes non-compliant data located ***within*** a synchronization point and Gray *et al.* describes a marker packet containing key information located ***within*** a payload also containing a random seed and CRC bit. Neither reference teaches or suggests the placement of non-compliant data separate from the synchronization point ***and*** a payload.

Claims 2-4 depend from independent claim 1, claims 6 and 7 depend from independent claim 5, claims 12 and 13 depend from independent claim 11, and claims 15-19 depend from independent claim 14, thus incorporating the limitations thereof. For at least the aforementioned reasons relating to the independent claims, Blatter *et al.* and Gray *et al.*, alone or in combination, do not teach or suggest all the claim limitations of the dependent claims. The Applicants respectfully request that these rejections be withdrawn.

### IV. Rejection of Claims 21-23 Under 35 U.S.C. § 103(a)

Claims 21-23 stand rejected under 35 U.S.C. § 103(a) as being obvious over Gray *et al.*, in view of Blatter *et al.* The Applicants respectfully request that these rejections be withdrawn for at least the following reason. Claims 21-23 depend from amended independent claim 20 and thus incorporate the limitations thereof. For at least the aforementioned reasons relating to

independent claim 20, Gray *et al.* and Blatter *et al.*, alone or in combination, do not teach or suggest all the limitations of claims 21-23. Thus, it is respectfully requested that these rejections be withdrawn.

**CONCLUSION**

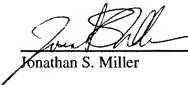
In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the prior art of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes a telephone conference would be useful in moving the case forward, he is encouraged to contact the undersigned at (310) 207-3800.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,

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Lori Ciccio

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